

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE ROMAN CATHOLIC DIOCESE OF :
BROOKLYN, NEW YORK :
Plaintiff, : No. 1:20-CV-
v. :
STATE OF NEW YORK and GOVERNOR :
ANDREW M. CUOMO in his official capacity, :
Defendants. :

x

**DECLARATION OF RANDY M. MASTRO IN SUPPORT OF THE ROMAN
CATHOLIC DIOCESE OF BROOKLYN'S APPLICATION BY ORDER TO SHOW
CAUSE FOR EMERGENCY RELIEF**

I, Randy M. Mastro, hereby declare as follows:

1. I am a member of the bar of this Court and a partner at the law firm Gibson, Dunn & Crutcher LLP (“Gibson Dunn”), counsel to Roman Catholic Diocese of Brooklyn. I submit this declaration in support of Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction.

2. On October 8, 2020, just before 4 p.m., I informed the Office of the Attorney General, by email to Steven Wu, Esq., Deputy Solicitor General, and the Governor’s Office, by email to Kiki Gibson, the Governor’s Counsel, of the filing of this action against Governor Cuomo and of the fact that Plaintiff is seeking a hearing on Plaintiff’s application for temporary restraining order for October 9, 2020.

3. Attached hereto as Exhibit 1 is a true and correct copy of an article entitled “20 People Infected With COVID-19 From One New York Church” from the Daily Beast, dated September 5, 2020.

4. Attached hereto as Exhibit 2 is a true and correct copy of an article entitled “About The Diocese of Brooklyn” from the Diocese of Brooklyn, dated October 8, 2020.

5. Attached hereto as Exhibit 3 is a true and correct copy of an article entitled “Brooklyn Bishop Nicholas DiMarzio Dispenses the Faithful From Mass Obligation Until Further Notice” from the Diocese of Brooklyn, dated March 13, 2020.

6. Attached hereto as Exhibit 4 is a true and correct copy of Governor Cuomo’s Initiative, dated October 6, 2020.

7. Attached hereto as Exhibit 5 is a true and correct copy of an article entitled “Guidance For Determining Whether a Business Enterprise is Subject to a Workforce Reduction Under Recent Executive Orders” from the State of New York, dated September 25, 2020.

8. Attached hereto as Exhibit 6 is a true and correct copy of a letter from the Office of the Vicar General explaining precautions to be taken at Mass.

9. Attached hereto as Exhibit 7 is a true and correct copy of an article entitled “New York Sees Uptick in COVID-19 Cases in Orthodox Jewish Neighborhoods” from CNN, dated September 30, 2020.

10. Attached hereto as Exhibit 8 is a true and correct copy of Executive Order No. 202.33 entitled “Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency” dated May 22, 2020.

11. Attached hereto as Exhibit 9 is a true and correct copy of an article entitled “What Does Phase Two Reopening Mean for New York City?” from NY1, dated June 22, 2020.

12. Attached hereto as Exhibit 10 is a true and correct copy of an article entitled “When Covid Flared Again in Orthodox Jewish New York” from The New York Times, dated October 5, 2020.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th day of October 2020 at New York, New York.

/s/ *Randy M. Mastro*